Claims 1-29

Applicant encloses herewith a Declaration under 37 C.F.R. § 1.131 to overcome the Ote patent. Ote was cited by the Examiner with respect to each of Claims 1-29. Applicant has removed Ote as a reference by the filing of the § 1.131 Declaration. Applicant submits that the remainder of the references do not, either in isolation or in combination, teach the invention as claimed.

Furthermore, Applicant respectfully traverses the rejections based upon the knowledge of one ordinary skill in the art. According to the Manual of Patent Examining Procedure, if an applicant traverses a rejection based upon the knowledge of ordinary skill in the art, the Examiner should cite a reference in support of his or her position. M.P.E.P. § 2144.03.

Claims 30, 35, and 41

By the present paper, Applicant has amended Claims 30, 35 and 41, to recite that the system recorder is independently functional. In the Office Action, the Examiner stated that SyMON discloses a system for reporting a failure in a computer system. Applicant respectfully submits that SyMON does not teach how to transmit failure information to a system recorder as defined by Applicant or how to store the failure information in a system log independent of the operational state of the server system. Applicant's inventive system includes a method of recording and storing failure data that is independent of the monitored server system. Applicant's invention uses dedicated and independent microcontrollers as the system recorder to monitor a system data stream on a system bus. A NVRAM storage device is used to store failure messages in a system log. Both are independent of the server's CPU and power. *See* App., p. 3, lines 6-9. Thus, in the event of a server system CPU or power failure, the independently functional system recorder can continue to operate. An operator can, therefore, continuously monitor and access the system for diagnostic and corrective purposes. The system log would also continue to receive and store any subsequent messages.

In Office Action, the Examiner acknowledged that SyMON does not disclose transmitting failure information to an independently functional system recorder. *See* Office Action (paper no. 12), p. 5. In light of this deficiency, the Examiner took the position that Ote

discloses an independent functional system recorder. In response, Applicant has enclosed a Declaration under 37 C.F.R. § 1.131 to overcome the Ote patent.
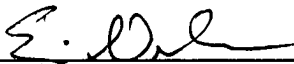
Claims 31-34, 36-40 and 42-44

Since Claims 31-34, 36-40 and 42-44 each are dependent on one of Claims 30, 35, or 41, Applicant respectfully submits that these claims are allowable for the reasons previously discussed.

Claims 1-44 are pending for examination. Applicant has endeavored to address all of the Examiner's concerns as expressed in the outstanding Office Action. If the Examiner has any questions which may be answered by telephone, he is invited to call the undersigned directly.

Respectfully submitted,

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Dated: 3/13/2000

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